Religious Intolerance in Asia

1. Freedom of religion is guaranteed by article 18 of the Universal Declaration of Human Rights. Notwithstanding, the Asian Legal Resource Centre concurs with the Special Rapporteur that "the situation with regard to intolerance and discrimination based on religion or belief is alarming" (A/55/280, paragraph 133). In the last year, Asia has witnessed a marked increase in the level of religious intolerance and overt forms of disrespect and aggression.

2. Violations of the right to religion and belief are closely associated with violations of the economic, social and cultural rights of minorities and marginalised communities. Unequal distribution of wealth, unequal access to limited resources, loss of identity, loss of authority among the traditional leadership of many minority groups and other trends linked to globalisation have all exacerbated intolerance and contributed to the growth of extremism.

3. Religious extremism in some parts of Asia is creating a climate of suspicion, hatred, fear and violence. However, states have failed to take remedial action by controlling extremists' operations and prosecuting criminal activities, in spite of calls that "states and the international community must condemn [religious extremism] unequivocally and combat it relentlessly in order to preserve the human right to peace" (A/55/280, paragraph 136).

4. In South Asia, India is experiencing the most frightening growth in religious extremism. A case in point is the destruction of three dozen churches in the Dangs by Hindutva Parivar since 1998. Instead of dispelling the fears of religious minorities in the Dangs, the Prime Minister visited the area and called for a national debate on conversions, thereby deepening suspicion that religious extremists are being supported by the state. Questions over the role that the Government of India is playing in restricting conversions have already been brought to the attention of this Commission (A/55/280, paragraphs 28 and 29). The government's claim that in the state of Orissa the "Freedom of Religion Amendment Rules, 1999, does not require a citizen wishing to convert to seek permission of the local police and the district magistrate... only an intimation is required by way of prior information to the district magistrate", is most troublesome. It not only raises a fundamental question regarding freedom of religious choice, but is also a clear case of state intervention in limiting that freedom by imposition of conditions. Irrespective of justifications, "It cannot be the State's role to supervise, favour, impose or censure a religion or belief; nor can any religion or spiritual community supervise people's personal conscience" (paragraph 139).

5. A closer examination of so-called religious tensions and conflicts reveals a remarkably common pattern: hidden behind veils of complexities and ambiguities, invariably there emerges the indelible hand of agents or parties with vested interests in provoking conflict. These range from efforts to destabilize the existing political power structure, to seeking

economic advantage or simply finding scapegoats for economic and social ills. In Indonesia, for example, the prevailing tension in Ambon and the Moluccas cannot be comprehended without reference to the Suharto regime's Transmigration Policy, which exacerbated the struggle for limited resources on the islands; disputes over the failing economy were transformed into blame laying between religious parties. The violence that has engulfed the Moluccas over the last year continues unabated to this day. Thousands of lives have been lost, let alone the damage to property. Motivated by political or ethnic interests, religious feelings there have been fanned to create conflict between parties. The state has failed lamentably to arrest the mounting violence and hatred on either side of the religious divide. Accusations of law enforcement authorities' complicity have not been investigated. Religious tensions such as these are frequently orchestrated by governments or outside agents in order to divert the attention of the poor and marginalised from their economic miseries.

6. Another grave concern is the deliberate patronage of dominant religion by political leadership. The governments of Burma and Pakistan, for example, have incorporated religious symbolism and patronage into their agendas. Religion then serves to justify power, particularly when they lack the mandate to rule or their influence is on the wane. In such circumstances, bestowal of privileges on dignitaries of the majority religion; large donations to institutions and religious groups that are towing the government line; and lavish spending on religious places, buildings and rites all serve to reinforce authoritarian control. The autonomy of religious personnel and places is undermined. Dominated by political circumstance, religious teachings and practices are twisted and reinterpreted to support the vested interests of those in positions of status. The majority religion is made a tool to buttress rulers' control, rather than made to promote justice, peace and understanding. Suppression of minority groups' religious beliefs is tacitly permitted or directly supported by the authorities, as clamor from the majority, often provoked by extremist groups, is either acceded to or tolerated to gain political mileage. The most tragic outcome of this perverse political charade is that it fuels, rather than appeases, the further development of belligerent attitudes and actions among extremist factions, such as in the formation of Laksa Jihad in Indonesia.

7. Existing religious beliefs or tenets are also misused to justify systematic denials of basic rights to a part of society. In South Asia, particularly India and Nepal, the caste system continues to deny fundamental rights to a large section of the population, in conflict with true religious goals of justice and equality. Discrimination against Dalits and other so-called "outcastes" has generated a sense of apathy and personal worthlessness among parts of the society. These states have not taken effective action either to change the prevailing mindset or to implement existing anti-discrimination legal provisions. Despite repeated requests that Dalit Christian converts be given status and rights equal to that granted by the Indian government to scheduled castes and tribes, no action has yet been taken to this end.

8. In Pakistan also there is evidence of discrimination against religious minorities. Those worst affected are the Ahmadis, low caste Hindus and Christians. During November 2000, five Ahmadis, including two 15 year-old boys, were reportedly hacked to death in Takht Hazara by a mob led by a local cleric. Two of the bodies were thrown to the ground from the roof of their mosque. Meanwhile, the state has completely failed to prevent the arrest of innocent

victims under the blasphemy law introduced in 1985. The present political leadership, lacking a mandate from the people, is obviously reluctant to take any decisive measures that would hurt the feelings of the majority and is simply allowing the rights of minorities to be eroded. In the political system, religious preference is used as the basis for the present

'separate electorate system', whereby Christians are compelled to vote for four special Christian representatives. Every request to overturn this law and allow minorities to vote for national candidates has been rejected, further aggravating minority feelings that they are treated as second-class citizens and are discriminated against on the basis of religion.

9. The Commission must take religious intolerance, particularly in South Asia, as a matter of grave concern and urgency. Literally millions of people suffer the terrible burden of religious discrimination. The levels of violence both within and between communities with different beliefs are intense. A truly explosive situation exists that calls for the Commission's consideration. These matters should also be addressed at the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance later this year, with a view to developing both short and long term plans towards their resolution.

---